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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-sixth session
Item 8 of the provisional agenda

THE REALIZATION OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Written statement submitted by Habitat International Coalition, a non-governmental organization on the Roster

The Secretary-General has received the following written statement which is distributed in accordance with Economic and Social Council resolution 1296 (XLIV).

[15 July 1994]

GE.94-13369 (E)

The Palestinians' right to adequate housing in East Jerusalem

1. Habitat International Coalition (HIC) and the Palestine Human Rights Information Center (PHRIC) are concerned about the housing crisis currently faced by Palestinians in East Jerusalem. While Israel may have a good record in providing adequate housing for Jewish Israelis, the same cannot be said of their record for Palestinians. We believe that when dealing with Palestinians, the policies and actions of the Jerusalem Municipal Government as well as the Israeli Government as a whole, contravene article 11.1 of the International Covenant on Economic, Social and Cultural Rights which Israel ratified. We submit this brief overview of the existing housing conditions for Palestinians in East Jerusalem as an initial step to draw international attention to this urgent issue.

The status of Jerusalem: background

2. Israel occupied East Jerusalem in 1967 and since has been exercising de factor sovereignty over both parts of the city, claiming de jure sovereignty over Jerusalem "whole and united". It is now accepted by law that East Jerusalem is occupied territory and that Israel's annexation of Jerusalem is illegal. United Nations Security Council resolutions dating from 1968 to 1990 unambiguously declare Jerusalem to be occupied territory. Any attempt by Israel to unilaterally alter life in the city, whether through land expropriation, population transfer or archaeological changes, affects its legal status and is therefore invalid.

3. Israel's policies and actions aimed at changing the ethnic composition, physical character, boundaries and legal status of Jerusalem are clearly in contravention of articles 47 and 49 of the Fourth Geneva Convention. Concurrently, these same policies and actions and their effect on the lives of Palestinians, as detailed below, must be seen as contravening the right to adequate housing as articulated in article 11.1 of the International Covenant on Economic, Social and Cultural Rights and numerous other international instruments that Israel has ratified.

Demographics of East Jerusalem

4. The 1967 census conducted by the Israeli authorities indicated that 66,000 Palestinians resided in East Jerusalem, 44,000 of whom resided in the area known before the June war as East Jerusalem and 22,000 in the West Bank area annexed after the war. At the time there were a few hundred Jews living in East Jerusalem. In June 1993, the Israeli Government was able to proudly announce that a Jewish majority had been achieved in East Jerusalem; at the same time, 155,000 Jews were officially-registered residents, as compared to 150,000 Palestinians. The Jewish population in East Jerusalem is housed in 17 settlements.

5. Since 1967, government policy has been to limit the number of Palestinians residing in Jerusalem to no more than 24 per cent of the city's population and to simultaneously increase the numbers of Jews in Jerusalem. It has, in general, succeeded in this goal through intricate bureaucratic restrictions for Palestinian East Jerusalem residents. Israeli housing

policies concerning the Palestinians play an important role in decreasing the Palestinian population in East Jerusalem while simultaneously increasing the Israeli population in this same area.

Policies and actions

1. House demolitions and land confiscation

6. Demolitions of Palestinian homes in East Jerusalem are carried out by municipal officials on the premise that the house was built or renovated without an Israeli issued permit. Permits are exceedingly difficult for Palestinians to obtain. Palestinians are often informed that their property on which they want to build has been classified as either a "green area" or State land. This means the land is to remain an agricultural or park zone and therefore will be confiscated from the Palestinians for Israeli use.

7. PHRIC has documented over 210 Palestinian homes demolished by the Israeli authorities in East Jerusalem since mid-1986 for licensing reasons. Demolitions of Palestinian homes in East Jerusalem are currently carried out at a rate of approximately 50 per year.

2. Settlements

8. The Jerusalem area Master Plan sets aside over half of the extended area of East Jerusalem for Jewish settlements and Israeli institutions.

9. Of the 73,000 dunums in East Jerusalem, 29,000 dunums have been expropriated, or will soon be expropriated for the building of Jewish settlements. In turn, only 10,000 dunums remain on which Palestinians can build and much of this land has already been built upon.

10. An enormous amount of settlement and road construction in the occupied territories, including East Jerusalem, is being pushed towards completion within three to five years, simultaneously with the transitional period outlined in the Israel-PLO Declaration of Principles. Israeli policy-makers have put forth pretexts of future "security" needs in rationalizing Jewish settlements in and around Jerusalem.

11. The establishment and development of settlements and new roads by Israeli authorities effectively separates Palestinian villages while unifying the Jewish settlements, leads to the confiscation of Palestinian land and results in the demolition of their homes.

12. For example, in early November 1993, an Israeli Government-appointed committee approved the establishment of a large settlement block called "Gush Adumim" extending north, south and east of Jerusalem to the outskirts of Jericho. The block mainly entails linking settlements stretching from the south-east to the north-east of Jerusalem and extending east. Five thousand dunums of land belonging to the Jerusalem area Arab villages will be confiscated to implement the proposed plan.

3. Disparate treatment of Jerusalemites

13. The Jerusalem Municipal Government employs several policies and regulations that are de facto discriminatory or have discriminatory effects against Palestinians in the area of housing. For example:

(a) Building height in Palestinian neighbourhoods may not exceed two stories whereas buildings in the Jewish neighbourhoods of East Jerusalem of as many as eight stories are permitted;

(b) The Israeli Government has provided subsidized housing for 70,000 Jewish families in East Jerusalem settlements alone, in contrast to subsidized housing for only 555 Palestinian families;

(c) Jerusalem's Palestinian population pays 26 per cent of the total cost of municipal services but receives just 5 per cent of these services.

Effects

14. A significant repercussion of these Israeli housing policies is Palestinian emigration from East Jerusalem. A sample study conducted in 1993 by Dr. Bernard Sabela, a political scientist at Bethlehem University, estimated that the following numbers of Palestinians have emigrated with their families since 1967:

(a) 16,917 Palestinians in East Jerusalem have emigrated abroad;

(b) 12,080 Palestinian Jerusalemites were forced to move outside the borders of illegally annexed areas because of the lack of housing in East Jerusalem;

(c) 12,500 currently live in the North Jerusalem area inside the boundaries of the pre-1967 Jerusalem but are now excluded by the Israeli authorities;

(d) 7,630 Palestinian Jerusalemites were outside the country in 1967 and, were never issued Jerusalem identity cards and therefore do not have the right to return. Others lost identity cards by living outside of East Jerusalem for six years or more and cannot return. For these people, any owned or inherited land in East Jerusalem comes under the custody of the Israeli "absentee" department, rendering it State land.

15. For those Palestinian Jerusalemites who remain in the municipality, the policies implemented by the Israeli municipal and central governments, as detailed above, have a profound and negative effect on housing conditions for Palestinians. This is reflected in the following statistics on housing density:

(a) While Israelis in Jerusalem enjoy a housing density of one person per room, non-Jews experience a density of 2.2 persons per room;

(b) In a survey conducted by PHRIC in June 1994, of 20 families interviewed whose homes had been demolished, it was discovered that the average density in houses that had been demolished was 1.56 persons per room. After demolition, forced to return to their old (smaller) houses, or live in tents or with relatives, this average increased to 2.94 persons per room.

16. The consequences of Israeli housing policies on Palestinians does not solely result in punishment by way of house demolition, forced evictions and emigration; the punishment includes far-reaching social pains as the following statistics indicate: 10 per cent of the sample currently live in tents; 25 per cent of the sample complained of psychological problems and nervousness since the demolition; 10 per cent of the sample said their children's schooling was stopped after the demolition or the children were forced to change schools. In one case, a family reported that their daughter had been exposed to rape after the demolition. The family was living in a tent and thus was not afforded the physical security of a house.

Conclusion

17. This overview of some of the housing conditions faced by Palestinians in East Jerusalem demonstrates that Palestinians are being denied the right to adequate housing as a result of Israeli policies and actions. It is our understanding that the right to adequate housing includes principles such as non-discrimination, the right to information, equality in land relations, and democratic participation. Policies such as house demolition, land confiscation, the creation and development of settlements and clearly discriminatory treatment of Palestinians in matters relating to housing all constitute gross violations of these principles.

18. According to the Israel-PLO Declaration of Principle, the issue of Jerusalem is not to be discussed for two years. Given the rapid expansion of the Jewish settlements in East Jerusalem and the resulting increase in the confiscation of Palestinian land and the demolition of Palestinian homes, we fear that if the housing situation of Palestinians is not addressed immediately, in two years' time, there will be nothing left to negotiate.

19. Habitat International Coalition and PHRIC draw the attention of the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities to the continuously worsening situation of the Palestinians of East Jerusalem. We urge the Special Rapporteur on the right to adequate housing, Justice Rajindar Sachar, to mention the numerous violations, including forced evictions, of the Palestinian right to housing in his reports and to undertake steps to bring notice in all ways possible to the dire situation faced by 150,000 Palestinians in East Jerusalem as they struggle for a place to live.

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Forty-sixth session
Agenda item 10

THE ADMINISTRATION OF JUSTICE AND THE HUMAN RIGHTS OF DETAINEES

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultation status (category II)

The Secretary-General has received the following communication, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[27 July 1994]

Arbitrary detention, unfair trials and violations of the freedom of opinion, expression, association and religion in the Socialist Republic of Viet Nam

1. The International Federation of Human Rights (IFHR) and its affiliate, the Viet Nam Committee on Human Rights (Viet Nam Committee) are deeply disturbed by reports of widespread and continuing violations of the rights of freedom of expression, opinion, association and belief in the Socialist Republic of Viet Nam. The organizations are informed that thousands of political and religious prisoners are detained today in prisons and "re-education camps" or confined to house arrest solely on account of the peaceful expression of their opinions or beliefs.

2. Most of these prisoners are charged or convicted under article 73 of the Vietnamese Code of Criminal Procedure relative to "activities aimed at overthrowing the people's Government", or articles 72-100 regarding "crimes against national security". The provisions of these articles make no distinction between acts of violence, such as terrorism or bombing, and the peaceful exercise of the right to freedom of expression and association. As a result, people have been condemned to extremely harsh prison sentences for a whole range of legitimate peaceful activities. One such example is the case of 52-year-old Pham Van Quang who was sentenced to 15 years' imprisonment in February 1994 merely because he brandished the flag of the former Republic of Viet Nam during an international marathon race in Ho Chi Minh City in December 1992. He was charged with "deliberately committing subversive acts in a public place".

3. In a wave of political trials between March 1993 and March 1994 alone, the IFHR and the Viet Nam Committee are aware of at least eight unfair trials in which 3 people received life sentences and 45 others were condemned to a total of 421 years in prison solely for the peaceful exercise of their rights to freedom of expression, opinion and religion, or for their non-violent participation in movements calling for human rights. The organizations are particularly disturbed by the cases of:

(a) Dr. Doan Viet Hoat, former Vice-Rector of Vanh Hanh University and Professor of English, who was convicted on charges of "attempting to overthrow the Government" on 29 March 1993 simply for circulating a typed bulletin entitled "The Freedom Forum". He was sentenced to 20 years in prison and 5 years of privation of civil liberties, then given a token reduction to 15 years on 9 July 1993. Seven other intellectuals were also condemned to prison sentences ranging from 8 months to 16 years. Since his imprisonment, Dr. Doan has continued to write to the authorities calling for the respect of human rights, and has consequently been transferred five times to increasingly remote camps. In January, he was deported to Ba Sao Camp, then transferred on 22 April to Thanh Cam (K4) prison near the Laotian border. Dr. Doan is now held in solitary confinement, with shackles on his arms and legs. He is deprived of all contacts with the outside world. His wife, who travelled 1,000 kms, was forbidden to visit her husband. On 30 April 1993, the United Nations Working Group on Arbitrary Detention decided that Dr. Doan is a victim of arbitrary detention;

(b) Trinh Van Thuong and Nguyen Van Thanh, who were sentenced to 20 years' imprisonment and Nguyen Duc Loi and Nguyen Huu Son (18 years) for distributing leaflets calling for human rights (see E/CN.4/Sub.2/1992/NGO/13);

(c) Tran Manh Quynh, a 42-year-old former officer in the army of the former South Viet Nam and a resident of the United States, who was sentenced to 20 years' imprisonment on charges of "plotting to overthrow the people's Government" in Ho Chi Minh City on 26-27 May 1993. Le Thien Quang, Le Trong Quang, Tran Thi Huong, Bui Gia Liem and Le Quang Trinh also received sentences ranging from 3 to 15 years. They are all detained in A-20 Camp in the province of Phu Yen;

(d) Tran Tu, Nguyen Van Muon and Do Huon, citizens of the United States, who were sentenced to life imprisonment on 23 August 1993 in Ho Chi Minh City for "attempting to overthrow the people's Government"; Pham Anh Dung (from France) and Nguyen Ngoc Dang (Canada) received 20 years' imprisonment; Pham Duc Hau and Do Hong Van, 18 years; Le Hoan Son, 16 years; Pham Van Thanh, 12 years; Nguyen Duy Cuong, 10 years; Nguyen Phu, 3 years. They were tried at the Supreme People's Court instead of a court of first instance, which means they were deprived of the right to appeal.

4. The IFHR and the Viet Nam Committee are concerned that the political trials cited above did not conform to international standards, despite provisions in the International Covenant on Civil and Political Rights and the Vietnamese Code of Criminal Procedure which guarantee the right to a fair trial. None of the accused had access to independent legal counsel, nor was allowed to present his own defence, and the trials were closed to the public or press. Moreover, the right of accused persons to be presumed innocent until proven guilty was gravely undermined by the publication of accusations and judgements prior to the trials in the official media. This constitutes a grave violation of article 14 (2) of the Covenant, principle 36 of the United Nations Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment and article 11 of the Code.

5. The IFHR and the Viet Nam Committee are especially disturbed by the continued arbitrary arrests and unfair convictions of religious prisoners over the past years, particularly of Buddhist clergy and followers of the Unified Buddhist Church of Viet Nam (UBCV). As the organizations have previously informed the Commission on Human Rights and the Sub-Commission, in successive written and oral statements, the Vietnamese authorities have banned the traditional UBCV in favour of a State-sponsored body, the Vietnamese Buddhist Church, and are invoking national security charges to imprison Buddhist monks and lay persons who continue to advocate the right to existence of the UBCV. Of particular concern are the unfair convictions and detention of:

(a) Ven Thich Tri Tuu, Superior monk at Linh Mu Pagoda, Hue, Ven. Thich Hai Tang, Thich Hai Thinh and Thich Hai Chanh who were convicted of "disturbing public security" in Hue on 15 November 1993 and condemned to three or four years' imprisonment. Five other Buddhists also received sentences ranging from six months to four years (see E/CN.4/1994/NGO/10). In January, they were transferred to Ba Sao, a notorious forced labour camp in Phu Ly province. They began a hunger strike in April 1994 to protest against the denial of their right to appeal and demand improved living conditions for their fellow prisoners. All the other political prisoners in section A of the camp joined the strike, whence the four monks were transferred to section B, a high-security zone reserved for dangerous common criminals. In the seventh week of their strike the prison authorities forcibly fed the monks with saline injections. The IFHR and the Viet Nam Committee are especially concerned about the health of Ven. Thich Hai Tang and Thich Tri Tuu, who are both seriously ill. Ven. Tri Tuu can hardly walk, and Ven. Thich Hai Tang suffers from chronic migraine and chest pains. They are not given any medical treatment, and forbidden to receive the medicine parcels sent by their families and friends;

(b) Ven. Thich Hanh Duc, Superior monk at Son Linh Pagoda, Ba Ria-Vung Tau province, who was sentenced to three years in prison for "handing out documents against the Socialist Republic of Viet Nam" at a closed trial in January 1994 (see E/CN.4/Sub.2/1993/NGO/14). He appealed against his sentence and was promised a retrial on 24 June 1994. However, this never took place, and Ven. Hanh Duc began a hunger strike in Phuoc Co prison on 7 July, declaring he would fast until death unless his appeal was granted. In punishment for this protest, he has been placed under disciplinary detention and is now chained hand and foot in a solitary confinement cell.

6. The IFHR and the Viet Nam Committee consider that the conviction or house arrest of these monks violates all standards of international and domestic law. The denial of the right to appeal contravenes article 205 of the Vietnamese Code of Criminal Procedure, and the inhuman conditions of detention to which they are subjected fall seriously short of the United Nations Standard Minimum Rules for the Treatment of Prisoners, notably paragraph 31 which prohibits "all cruel, inhuman or degrading punishments". Furthermore, the detention of citizens solely on account of their religious beliefs is totally inconsistent with article 18 of the International Covenant on Civil and Political Rights, which is a non-derogable right (art. 4 (2) of the Covenant), and article 70 of the Vietnamese Constitution, which guarantees the right to freedom of religion and conscience.

7. The IFHR and the Viet Nam Committee consider that similarly inhuman conditions of detention prevail in prisons and re-education camps all over Viet Nam. In a clandestine appeal sent via the Viet Nam Committee to the High Commissioner for Human Rights, Pham Van Thanh describes conditions in A-20 Camp, Phu Yen: "Medical treatment is virtually non-existent, and patients are admitted to hospital only when they are about to die ... . Over 2,000 prisoners have died from lack of medication here since 1978. The distribution of clothes, blankets and mosquito nets is also chronically insufficient ... . Any infringement of prison regulations is punishable by solitary confinement in dark, damp cells measuring 2.5 sq.m. Prisoners are chained up and fed only one bowl of rice per day mixed with salt water. Many prisoners have died as a result of this ... ."

8. Indefinite house arrest in places which are not the detainees' place of residence is also a widespread practice in Viet Nam. The organizations are particularly concerned by the continued house arrest of UBCV Patriarch Ven. Thich Huyen Quang at Hoi Phuoc Pagoda in Quang Ngai since 1982. The Vietnamese authorities claim that Ven. Quang is free, yet they do not allow him to travel or receive visits. In a communiqué sent clandestinely from Quang Ngai on 5 May 1994, Ven. Quang confirms that he is still under house arrest. Because of Ven. Quang's failing health, the IFHR and the Viet Nam Committee are calling on the Vietnamese Government to allow him to return to his pagoda in Ho Chi Minh City where he can receive adequate medical treatment. Another prominent dissident under house arrest is Nguyen Ho, veteran Communist Party member and former head of the Club of Former Resistance Fighters, which was banned in 1990. He was arrested in March 1994 for circulating a searing criticism of the regime entitled "Viewpoint and daily life". He was first detained in Thu Duc and is now under house arrest at his own home.

9. The IFHR and the Viet Nam Committee are deeply disturbed by these grave violations of human rights in the Socialist Republic of Viet Nam and reiterate their request that international observers should be allowed to investigate these conditions on the spot. The organizations strongly urge the Sub-Commission to examine the human rights situation in Viet Nam as a matter of high priority in its forty-sixth session.

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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following communication, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[27 July 1994]

Human Rights Violations in the Sudan

1. The International Federation of Human Rights (IFHR) and the Sudan Human Rights Organisation (SHRO) are deeply concerned by the systematic abolition of all guarantees of protection of human rights in Sudan and by the consequent situation of massive violations of human rights in this country.

The legal framework

2. On 30 June 1989, the Sudanese lost their democracy for the third time. The new regime has established a legal framework of an authoritarian State which has institutionalized the violation of human rights. Constitutional Decree No. 2 abolished the constitution of 1985, dissolved the government and the Constituent Assembly and banned all political parties, trade unions and all other free associations. Constitutional Decree No. 2 has also provided in its article 6 the Declaration of Emergency in all parts of the country. The Declaration of Emergency enables the head of the State and all persons authorized by him to:

(a) Seize and confiscate all land, property, goods and other things without compensation in the public interest;

(b) Seize and confiscate all properties and things suspected of being the subject of violation of law;

(c) Oblige any person to perform military or civil service required for purposes of security;

(d) Terminate the service of any person employed by the State;

(e) Terminate any contract with any public authority;

(f) Arrest any person suspected of threatening political or economic security.

3. The Decree further prohibits any person from political opposition to the National Salvation Revolution, any collective stoppage of work, closure of business or obstruction of public life. It also prevents any political gathering in private or public places. Violation of any provision of the Decree is punishable with a minimum of one year and a maximum of ten years' imprisonment. If the breach amounts to what the regime may construe as conspiracy against the State, punishment can reach the death penalty.

4. The Penal Code of 1991 contains cruel and degrading punishments such as flogging, amputations, stoning to death and gassas (retaliation), "an eye for an eye". The Code also contains the crime of apostasy, which violates freedom of religion. The article could also be used to eliminate political opponents, hence it is drafted in a way that allows wide interpretation. The penalty for apostasy is death.

Human rights violations in the urban areas

5. Those above-mentioned powers were carried out on an unprecedented scale. Countless Sudanese politicians, trade unionists, students, professionals, women, clergymen, Islamic religious leaders and sheiks, military officers and other citizens have been detained since June 1989, and countless others were tortured. Dr. Ali Fadul, 41, a medical doctor, was tortured to death in April 1990. Physical and psychological torture of political detainees became systematic under the current regime. This includes beatings, threats, humiliating physical exercises, rape and sexual harassment. Many

professionals, university teachers, civil servants, army, police and prison officers, as well as workers, were dismissed from their jobs because of their political views. The property of opposition leaders abroad was confiscated.

6. The detention of political opponents or suspected political opponents continues unabated. Political detainees are kept in the various prisons as well as in "ghost houses". Substantial numbers of them are subjected to torture. Mr. Suliman al-Khadir (building contractor) and engineer Sediq Yusuf (63), who were detained in May 1994, were reportedly beaten severely and their testicles were kicked by the security forces. We have no information about the others, but there are reasons to fear that they may be undergoing torture and ill-treatment.

Human rights abuses in the war zones

7. The current Government promised to put an end to the conflict within its first year in power. Five years later, the situation has worsened. Government troops have been indiscriminately bombing and shelling population centres. In 1992 the Sudan People's Liberation Army (SPLA) lay siege to Juba and made two unsuccessful incursions. Repulsing the SPLA attacks, the government forces committed many abuses including detention, torture, summary executions, and forced displacement of the civilian population. After July 1992, the Government displaced over 100,000 civilians living there. It also burned the homes and crops left behind by the civilians, all in violation of the rules of war.

8. Most seriously, the Government frequently denied access to United Nations and international relief agencies which sought to alleviate civilians' hardship. In March 1992, the Government expelled the International Committee of the Red Cross, who had sustained about 100,000 internal refugees.

9. Aerial bombardment continued in 1993. Mundri, which was bombed twice in 1992, was repeatedly bombed in February 1993. In one such raid 12 bombs were dropped, hitting Mundri, Lowei and Amadi. The market area in Kajo Kaji was bombed during the same month and 17 civilians were killed.

10. The Government's indiscriminate bombing of civilians continued in 1994, killing, injuring and terrorizing them. Shortly before the Government began its 1994 offensive, it notified the United Nations that Kajo Kaji, Mundri, Nimule and four other locations were removed from the list of destinations where food aid could be safely delivered by the United Nations. This effectively meant exposing over 200,000 displaced to starvation.

11. Human Rights violations by the SPLA goes back to the early years of the civil war. They include the detention of SPLA members and commanders who oppose the leader of the SPLA, Col. Garang, or some of his policies and violations of the rules of war concerning the protection of civilians, for example the strike against a Sudan Airways plane in 1985 and the assassination of community leaders in the Nuba Mountains who refused to cooperate with SPLA,

like Chief Hussein Karbus and chief Ismaiel Ali Jeger. The greatest violations occurred, however, following the split in the SPLA in August 1991.

12. The fighting between the two groups has extracted a higher civilian damage even then the government offensives. Among the violations of the rules of war committed by the two SPLA factions are indiscriminate attacks on civilians living in the territories of the other SPLA faction, summary executions and disappearances, torture, holding prisoners in harsh conditions, pillage of civilian assets (cattle and grain) and destruction of civilian property (the burning of houses), taking food from civilians by force, capturing civilians, principally women and children, and denying unaccompanied minors the opportunity to be voluntarily united with their families.

13. The Nasir faction attacked a series of villages in the Dinka district in 1991; some 2,000 civilians lost their lives in these attacks. In mid-1992, the Torit faction attacked the Nuer territory around Ayod, including the village of Pathi which they burned to the ground. Three expatriate relief workers and a Norwegian journalist were assassinated in late 1992. The killings occurred during the fighting between Garang's forces and those of his break-away deputy William Nyuon; Garang's forces were accused of having committed the killings. Torit forces retook Kongor in March 1993. About 80 people were killed, most of them civilians. The attack disturbed the relief work and more than 200 children lost their lives as a result.

14. The veteran southern politician Martin Majier was killed in 1993 by the Garang faction. He was a political detainee for most of the time between 1985 and his death. His death was only revealed in June 1994 and the official statement of the SPLA said that he was killed while trying to escape. Mr. Achol Deng, a friend of Majier and an ambassador for the Government, described the death as "premeditated murder".

15. For the last five years the people of the Nuba Mountain of southern Kordofan have been suffering the effects of a brutal campaign carried out against them by the Government of the Sudan. The campaign includes every known form of violation: detention, disappearances, burning of villages, mass killings and others. The educated people of the Nuba Mountains have been targeted by the Government: they have been subjected to dismissal from public service, detention, extrajudicial killing, and some of them have disappeared. The main objective, of the Government's campaign is to relocate the Nuba Mountain people away from their ancestors' homeland. This has been considered by many observers as "ethnic cleansing". In pursuance of the relocation programme, villages and towns in the area were attacked by the combined forces of the military, the popular defence forces and the security forces. Mr. El Hussini, brother of the Military Governor of Kordofan and previously the Chief of Security for the region, outlined the typical operation: "It will start by besieging the area, bombarding it by artillery and then entering it with the standing order of shooting any moving thing". Those who remain will usually be taken to temporary camps around larger cities like Kadugli, Dilling and Lagowa and then they will be trucked to outside Kordofan. The villages of al-Amara, Lamdi and Um-Dorien are three of hundreds of villages which underwent the raiding process.

16. The human rights disaster continues for the fifth year, despite the efforts of the international community. We call upon the United Nations and in particular the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities, to put all possible pressure on the Sudan Government to:

(a) Release all the detained persons;

(b) Stop the torture of political detainees and bring to trial those responsible for it;

(c) Abolish all laws and decrees that allow human rights violations and to issue a bill of rights allowing all Sudanese to enjoy the human rights provided for in the international instruments;

(d) Reach a peaceful solution to the armed conflict and until that settlement is attained to put all possible pressure on all parties to respect the rules of war according to the Geneva Conventions.

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THE ADMINISTRATION OF JUSTICE AND THE HUMAN RIGHTS OF DETAINEES

PREVENTION OF DISCRIMINATION AGAINST WOMEN

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following communication, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[27 July 1994]

GE.94-13399 (E)

Administration of Justice in Northern Ireland

1. The International Federation of Human Rights (IFHR) and its Northern Ireland correspondent, the Committee on the Administration of Justice (CAJ), remain concerned about attacks on the right to legal advice, the absence of protection for lawyers and the lack of adequate safeguards to prevent the ill-treatment of detainees held under emergency legislation in Northern Ireland.

2. These issues have been the subject of comment and concern at the Human Rights Committee in April 1991, the Committee against Torture in November 1991, the Sub-Commission in August 1992, the Commission on Human Rights in February 1993, the Sub-Commission in August 1993 and the Commission on Human Rights in February 1994. Furthermore, in response to international concern, the European Committee for the Prevention of Torture carried out an ad hoc visit to Northern Ireland in July 1993.

3. It is the view of the IFHR and CAJ that the United Kingdom Government has failed to remedy these problems in spite of continued concerns expressed by United Nations bodies and the international human rights community. Rather, the response from the United Kingdom Government has often been to attempt to deflect attention from its own violations by highlighting the ongoing and serious campaign of violence waged by illegal paramilitary organizations in Northern Ireland. The IFHR and CAJ are concerned that the United Kingdom Government appears to be justifying its abuses on the grounds that others are engaged in the abuse of human rights. IFHR and CAJ are convinced that threats against lawyers, attacks on the right to independent legal advice and ill-treatment of detainees can have no place in the creation of a more just and peaceful society.

Access to legal advice and the situation of lawyers

4. Detainees held under emergency legislation in Northern Ireland can be kept incommunicado for up to 48 hours. They can be denied access to their lawyers for up to 48 hours and, once granted, access can be denied for further periods of 48 hours thereafter. Detainees can be held for up to seven days without being brought before a court, a power found to be in breach of the European Convention on Human Rights. The United Kingdom has derogated from article 5 (3) of the Convention and article 9 (3) of the International Covenant on Civil and Political Rights.

5. In clear contravention of paragraph 8 of the United Nations Basic Principles on the Role of Lawyers, police officers in Northern Ireland are empowered to be within both the sight and hearing of legal consultations. Furthermore, detainees arrested under emergency legislation in Northern Ireland are never allowed to have their lawyers present when they are being interviewed. Such differential access to legal advice cannot be acceptable and suggests an official hostility and distrust of lawyers in Northern Ireland.

6. CAJ and IFHR continue to receive reports that some police officers make derogatory comments and threats against the lives of lawyers via their clients. These derogatory comments and threats relate to some 41 different

lawyers in Northern Ireland. This is a long-standing problem which has been raised in previous reports of the Special Rapporteur on the independence of the judiciary and the protection of practising lawyers. CAJ and IFHR remain troubled by the lack of an adequate response to this serious issue and are concerned that those police officers involved are acting with impunity. The independent expert from the United Kingdom on the Sub-Commission has also voiced her concerns on several occasions at the lack of proper investigations into this matter by the United Kingdom Government. Police investigation into matters alleging serious police misconduct is unlikely to establish the truth or assuage public concern. A properly independent inquiry is urgently required to investigate these matters.

7. Related to the ongoing report of threats against lawyers is the still unsolved 1989 killing of defence lawyer Pat Finucane. There is strong evidence of official collusion in Mr. Finucane's death. The independent expert from the United Kingdom on the Sub-Commission, the IFHR, CAJ and others in the international human rights community have called for an independent inquiry into Mr. Finucane's killing. The United Kingdom Government has failed to establish such an inquiry. The IFHR and CAJ understand that an English police officer, Mr. John Stevens, has been considering the evidence of collusion in Mr. Finucane's killing for over one year but as yet there has been no decision to prosecute those involved. The IFHR and CAJ are seriously concerned at the apparent inaction in relation to the investigation of official involvement and collusion in Mr. Finucane's death. As a result a dossier on the case has been submitted to the United Nations Special Rapporteur on extrajudicial, summary and arbitrary executions.

8. In December 1992, in response to widespread concerns that detainees were being ill-treated in Northern Ireland and in particular the disquiet expressed by the United Nations Committee against Torture, the United Kingdom Government appointed an "independent commissioner" with powers to visit the holding centres where detainees arrested under emergency legislation are interrogated. CAJ and IFHR are disappointed that in his first report as "Independent Commissioner for the Holding Centres", Sir Louis Blom Cooper failed to even mention the ongoing local and international concerns that some police officers make derogatory comments and threats towards lawyers. This is despite the fact that lawyers and NGOs have made representations to him. We are concerned that he has proposed the establishment of a legal advice unit at the holding centres which, if implemented, would infringe the right of detainees to choose their own lawyer. In the view of IFHR and CAJ his proposals on legal advice contravene paragraph 5 of the United Nations Basic Principles on the Role of Lawyers. The Northern Ireland Law Society has also criticized these proposals and points out that they attack the established right of United Kingdom citizens to the lawyer of their choice.

Safeguards to prevent ill-treatment of detainees

9. In May 1994, in response to recommendations from the Independent Commissioner for the Holding Centres and the Government-appointed reviewer of emergency legislation, the Government again refused to introduce the safeguard of electronic recording of police interrogations of detainees held under emergency legislation. Such a safeguard would protect detainees from

ill-treatment and the police from false accusations and has been proposed by a long line of Government-appointed reviewers and local and international independent human rights organizations.

10. In remains the view of the IFHR and the CAJ that the United Kingdom Government has failed to put in place adequate safeguards to prevent the ill-treatment of detainees. While the number of complaints of serious physical ill-treatment has considerably fallen since the 1991 intervention by the United Nations Committee against Torture, CAJ and IFHR continue to receive complaints from detainees of less serious physical abuse and psychological ill-treatment.

11. The system established by the Government to investigate complaints against the police has over the last six years failed to substantiate a single complaint of ill-treatment of detainees held under emergency legislation. This amounts to impunity. It is the view of IFHR and the CAJ that it requires urgent reform and in particular that complaints should no longer be investigated by police officers.

12. In July 1993, the European Committee for the Prevention of Torture made an ad hoc visit to Northern Ireland to examine the situation of detainees and the regime under which they are held. As yet the United Kingdom Government has failed to publish the report prepared by the Committee after its visit. The IFHR and CAJ are of the view that the Government should publish this report and urge them to do so.

13. In conclusion, the IFHR and CAJ would respectfully request the Sub-Commission on Prevention of Discrimination and the Protection of Minorities to urge the United Kingdom Government to comply with its responsibilities in international human rights law and in particular the United Nations Basic Principles on the Role of Lawyers.